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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/448,180	11/24/1999	GUY LEVIT	P-2853-US	4750

7590 07/16/2002

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EXAMINER

CONTEE, JOY KIMBERLY

ART UNIT	PAPER NUMBER
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2681

DATE MAILED: 07/16/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.  
09/448,180

Applicant(s)  
Levit et al.

Examiner  
Joy K. Contee

Art Unit  
2681



– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on May 7, 2002
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirements.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on May 7, 2002 is/are ☒ accepted or ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 6) ☐ Other:

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## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed May 7, 2002 have been fully considered but they are not persuasive.

Applicant argues that Yablon does not disclose “maintaining a unique association between said message, said inbound telephone number, and said MS telephone number. However, Examiner contends that it is inherent for a MS telephone number (i.e., called telephone) to be associated with a unique or particular message and inbound telephone number as taught in Yablon (col. 5, lines 8-44). Yablon discloses in column 8, that the pager receives the message and inbound telephone number, thus the MS telephone number is associated with the unique message in order to establish communication between the called MS telephone number and inbound caller. This dialogue is referred to as “handshake” in Yablon (col. 14, lines 47-67). The “polling” interaction between the called mobile station and the remote number source is known in the art and inherently includes identifying the called mobile station’s telephone number.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Yablon, U.S.

Patent No. 5,746,731.

Regarding claim 1, in light of rejection under 35 USC 112, second paragraph, Yablon discloses a method for identifying a message selection made at a mobile station (MS), the method comprising the steps of:

uniquely associating an inbound telephone number with a message (col. 6, lines 48-55);

attaching said inbound telephone number to said message (col. 6, lines 52-55);

sending said message and said attached inbound telephone number to an MS using an MS telephone number associated with said MS (col. 7, lines 19-24);

maintaining a unique association between said message, said inbound telephone number and said MS telephone number (col. 5, lines 35-39);

selecting said message at said MS (col. 8, lines 21-29);

calling from said MS said inbound telephone number attached to said selected message (col. 8, lines 21-29) ;

identifying said inbound telephone number of said telephone call (i.e., the call established from the MS calling said inbound number) (col. 6, lines 51-55);

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identifying said MS telephone number (i.e, inherently identifies MS number if answering machine has ability to initiate calls to the primary user telephone) of said telephone call (col. 7, lines 19-24); and

identifying said message associated with said inbound telephone number and said MS telephone number, thereby identifying said message selection made at said MS (col. 7, lines 19-24 and col. 8, lines 21-30).

Regarding claim 2, Yablon discloses a method according to claim 1, wherein said uniquely associating step comprises uniquely associating a different inbound telephone numbers (i.e., similar to pager recordings of incoming pages) with each of a plurality of messages destined for said MS (col. 8, lines 21-30).

Regarding claim 3, Yablon discloses a method according to claim 1, wherein said selecting step comprises displaying said message on a display (col. 8, lines 43-48).

Regarding claim 4, Yablon discloses a method according to claim 1 wherein said calling step comprises activating a calling mechanism at said MS which automatically dials said inbound telephone number attached to said selected message (col. 7, lines 61-67).

Regarding claim 5, Yablon discloses a method according to claim 1 wherein said identifying said inbound telephone number step comprises determining via which telephone line (i.e., primary user telephone) said telephone call is received and identifying said inbound telephone number associated with said telephone line (col. 8, lines 21-29).

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Regarding claim 6, Yablon discloses a method according to claim 1 wherein said identifying said MS telephone number step comprises identifying using Automatic Number Identification (ANI) (col. 6, lines 51-55).

Regarding claim 7, Yablon discloses a method according to claim 1, wherein said message is a Short Message Service (SMS) message (i.e., text message) (col. 17, lines 54-60).

Regarding claim 8, Yablon discloses a method for outputting an underlying message based on the identification of an associated message, the method comprising the steps of:

creating an associated message (i.e., stored message) identifying an underlying message (i.e., identifying information) (col. 6, lines 48-55);

uniquely associating an inbound telephone number with said associated message (col. 6, lines 48-55);

attaching said inbound telephone number to said associated message (col. 6, lines 52-55);

sending said associated message and said attached inbound telephone number to an MS using an MS telephone number associated with said MS (col. 7, lines 19-24),

maintaining a unique association between said underlying message, said inbound telephone number, and said MS telephone number (col. 5, lines 35-39);

selecting said associated message at said MS (col. 8, lines 21-29);

calling from said MS said inbound telephonic number attached to said selected message (col. 8, lines 21-29);

identifying said inbound telephone number of said telephone call (col. 6, lines 51-55);

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identifying said underlying message associated with said inbound telephone number and said MS telephone number (col. 7, lines 19-24 and col. 8, lines 21-30); and

outputting said underlying message (i.e., writing into memory caller's numbers) (col. 8, lines 21-29).

Regarding claim 9, Yablon disclose a method according to claim 8 wherein said creating step comprises forming said associated message from any of a body portion and a header portion of said underlying message (i.e., recording caller's number on or with stored message) (col. 6, lines 51-55).

Regarding claim 10, Yablon discloses a method according to claim 9, wherein said creating step comprises forming associated message using optical character recognition (OCR) on a printed form (i.e., via facsimile machine) of said underlying message (col. 9, lines 52-57 and col. 17, lines 54-60)

Regarding claim 11, Yablon discloses a method according to claim 9, wherein said creating step comprises forming said associated message using speech-to-text conversion on a spoken form of said underlying message (col. 6, lines 51-55).

Regarding claim 12, Yablon discloses a method according to claim 8 wherein said outputting step comprising performing text-to-speech conversion on said underlying message (col. 6, lines 43-47).

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Regarding claim 13, Yablon discloses a method according to claim 8 wherein said outputting step comprises playing audio recording of said underlying message (col. 6, lines 43-47).

Regarding claim 14, Yablon discloses a method according to claim 8, and further discloses the method wherein said associated message is a Short Message Service (SMS) message (i.e., text message) (col. 17, lines 54-60).

### *Conclusion*

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.



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5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joy K. Contee whose telephone number is (703) 308-0149, M-F, 5:30 to 2:00 p.m.

If attempts to reach the examiner are not successful, the examiner's supervisor, Dwayne Bost can be reached on (703)305-4778.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703)306-0377.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

(703) 872-9314, (for formal communications intended for entry or for informal or draft communications, please label "PROPOSED" or "DRAFT")

**Hand-delivered responses should be brought to**

**Crystal Park II**

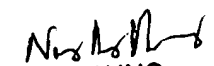
**Sixth Floor (Receptionist)**

**2121 Crystal Drive**

**Arlington, VA**

  
Joy K. Contee

July 12, 2002

  
NAY MAUNG  
PRIMARY EXAMINER